REMARKS

The Final Office Action of August 22, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application is respectfully requested in view of the amendments and remarks presented in this response.

Claims 1-20, 24, 25, 30-34, 36 and 37 were pending in this application. The Office Action rejected claims 1-20, 24, 25, 30-34, 36 and 37.

No new matter has been added.

Information Disclosure Statement

Attached herewith is a Supplemental Information Disclosure Statement remedying the Examiner's objection pursuant to 37 CFR 1.98(a)(2). Full consideration of all references is respectfully requested.

Claim Rejections Under 35 USC § 103

Claims 1-5, 8-20, 23-25, 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall et al. (U.S. Patent 6,425,131, herein after, "Crandall"), in view of Hamilton et al. (U.S. Patent No.: 6,223,211, herein after, "Hamilton").

The Examiner identifies six different definitions for the term "synchronization" listed in a dictionary. The Examiner, without explanation, selects and uses the first and fourth definitions to interpret the claim term. Applying these definitions, the Examiner asserts that the Crandall teachings of column 5, lines 1-30 "suggest synchronization of data between two terminals because the transmission is occurring in real-time." *See* Office Action mailed 08/22/06, p. 3. Applicants respectfully disagree with the Examiner on more than one basis.

First, the Examiner inaccurately applies the law in *In re Hyatt*. Although pending claims must be broadly construed, the specification and other intrinsic record is of primary importance in interpreting claim terms. *See Phillips v. AWH Corp.* (Fed. Cir. 2005). *Phillips v. AWH Corp* is an recent en banc decision of the Federal Circuit that reflects the state of patent law. When multiple definitions of a claim term appear in a dictionary, the intrinsic record (e.g., specification) must be consulted to determine a consistent reasonable interpretation. *See Id.* In

this case, the Examiner must look to the specification to identify which definition is consistent with the intrinsic record. The Examiner improperly applies the first dictionary definition in rejecting claim 1. Rather, the fourth definition (*i.e.*, "In multimedia, precise real-time processing, Audio and Video are transmitted over a network in synchronization so that they can be played back together without delayed responses") is the only definition consistent with the intentions of the Applicant as evidenced by the specification and other intrinsic record. Therefore, the Examiner may use this definition of "synchronization" and the intrinsic record (e.g., specification, drawings, etc.) as a guide to interpret the claim features.

Second, in light of this proper interpretation of "synchronization," the Examiner's assertion that Crandall "suggest[s] synchronization of data between two terminals because the transmission is occurring in real-time" is incorrect. *See* Office Action mailed 08/22/06, p. 3. Crandall merely allows simultaneous viewing, and not the "synchronous media playback" of claim 1. The Examiner's definition explains that synchronization occurs using audio and/or video that is played back together without delayed responses. The still image (*e.g.*, picture of a baby) of Crandall being displayed on different screens at the same time is not the same as the simultaneous playing back of audio and/or video in claim 1. Still images are not audio and/or video.

In addition, Crandall does not teach, *inter alia*, the "start playback request" of claim 1. Examiner previously admitted that Crandall fails to teach, disclose, or suggest at least this claim feature and offered Hamilton to combine with Crandall to suggest the feature. *See* Office Action mailed 08/22/06, p. 7. The "playback session" in claim 1 begins with a "start playback request" directing the second terminal. Neither Crandall, nor Hamilton, teach this feature. Examiner incorrectly cites to Hamilton to show "the process of synchronizing the playback session of data among at least multiple terminals." Hamilton involves regulating the transmission of data from a server to a client. No where in Hamilton is there any teaching of a "start playback request" or synchronization of data transmission. Therefore, neither teachings of Crandall or Hamilton alone, or their combination, teach all the claimed features of claim 1. Therefore, claim 1 is allowable for at least the aforementioned reasons.

Furthermore, claims 2-5, 8-20, 23-25, 30-37 are allowable for at least some of the same reasons as claim 1. Applicants respectfully request Examiner to reconsider their pending rejection and provide notification of their allowance.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall in view of Hamilton in further view of US Publication 2002/0095612 issued to Furher et al. (hereinafter, "Furhrer").

Claims 6 and 7 ultimately depend from allowable independent claim 1. Furthermore, Furhrer fails to teach the aforementioned deficiencies in the teaching of the other cited references. Therefore, Applicants respectfully submit that claims 6 and 7 are in condition for allowance for at least these reasons.

CONCLUSION

In view of the above amendments and remarks, reconsideration of all pending claims in the application is respectfully requested. All rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance and respectfully request prompt notification of the same.

The Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 for any fees due in connection with the filing of this response.

If the Examiner should have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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